



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: EPR-N

David A. Nicol

Division Administrator, Colorado Division

Federal Highway Administration

12300 W. Dakota Avenue, Suite 180

Lakewood, CO 80228

Richard Reynolds

Region 5 Transportation Director

Colorado Department of Transportation

3803 North Main Ave., Suite 306

Durango, CO 81301

RE: EPA comments on US Highway 160

Durango to Bayfield, CO FEIS

CEQ# 20060197

Dear Mr. Nicol and Mr. Reynolds:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Final Environmental Impact Statement (FEIS) regarding proposed improvements to US Highway 160 from Durango to Bayfield, Colorado. EPA submitted comments on the Draft EIS on November 14, 2005. This letter reflects EPA's remaining comments based on FHWA and CDOT's responses to our November 14, 2005 comments, in the areas of wetlands, air quality, water quality, and cumulative impacts.

Wetlands and Waters of the U.S.

We wish to thank FHWA and CDOT for considering our comments throughout the process, and modifying the project in several areas. Specifically, our comments on wetlands and the 404(b)(1) guidelines have resulted in reducing wetland impacts in the Dry Creek and Gem Village areas. We also appreciate the commitments added to the summary of mitigation measures stating that CDOT will construct wetlands prior to, or concurrently with, impacts; and that the constructed wetlands will be monitored and protected in perpetuity. We are concerned however, with the process for reducing wetland impacts further. The response to our comments states that the estimated wetland impacts represent the worst case impact scenario and the best that can be done on a conceptual design basis. The impacts are subject to further reduction during detailed design, but it is unclear how this further reduction in impacts will be

communicated to the public or EPA. The Public Notice regarding the placement of fill material in waters of the US had already been issued (Public Notice 200275568), and we support this merger of the 404 and NEPA processes. We are just unclear as to whether another public notice will be required at final design, to assess the least damaging practicable alternative. I am attaching EPA's comments to the Corps of Engineers on the public notice, for your information.

CDOT has stated that it will use Potential Conservation Areas (PCAs), areas identified by the Colorado Heritage Program as important ecological preservation areas, as a surrogate for putting wetland acreage data into perspective. While this is very good information, and we appreciate their inclusion in the document, it is unclear how the PCA numbers can be interpreted. The document states that there are 16,166 acres of PCAs within La Plata County. The estimate of acres affected cumulatively in La Plata County is 543 acres. We would need more information to determine whether these acres are significant.

Air Quality

We also wish to acknowledge the inclusion of air quality measurement data from the Ignacio station and the information added on emission trends for VOCs, NO_x and formaldehyde. The analysis of formaldehyde as a mobile source air toxic (MSAT) is helpful in assessing and comparing the potential impacts of the Highway 160 project alternatives and no-action scenario. In addition, the analysis of NO_x and VOCs, which are ozone precursors, is useful information as ozone begins to impact less developed areas of Colorado. It is important to note that several of the assumptions made in the DEIS such as the assumption that MSATs would be reduced by 67 to 90 percent under all alternatives and the no-action scenario, were found incorrect once the quantitative analysis was performed.

As noted in EPA's comments on the DEIS, EPA's position is that reasonable and informative methods of analysis of MSATs and risk assessment exist and can be performed. EPA is not suggesting that a risk assessment is warranted on this project, just that when warranted, it can be done. And while the operation of this project does not result in increases in toxics over the long term, the population in the area and people living near the roadway will be exposed to increased air pollution as a result of construction activity, increased fugitive dust, and oil and gas development in the vicinity. EPA suggests that due to this increased exposure, additional mitigation measures be instituted during construction. Significant steps for reducing construction dust and diesel emissions should be taken.

Water Quality

We wish to thank CDOT for the inclusion of information on both de-icers (section 4.8.2.3) and local government's controls and plans to affect future growth (section 4.23.17, Mitigation). Section 4.8.2.3 contains an excellent new discussion on de-icers, in response to EPA's comments. The information on trace metals measured in de-icers as well as the potential impacts de-icers can have on nearby waterbodies, is information that can be used in the future to model the impacts de-icers may have to nearby waterbodies, particularly if impaired waterbodies exist.

Cumulative Impacts

The inclusion of statements in section 4.23.9 relating to the significant increases in air pollution resulting from a large increase in oil and gas development in the project area is very useful in understanding the full picture of air quality impacts related to this project. It is important to note that fugitive dust from the many new and existing paved and unpaved roads will be increasingly relevant as the proximity of people in urbanized areas to oil and gas development increases.

Section 4.23.17 discusses what some of the local governments are already doing to plan for future impacts from growth. This section contains good information and we commend CDOT for including the section in the final document. We cannot tell from this section whether these controls and plans the local governments have in place will be sufficient to avoid or minimize future indirect and cumulative impacts, but it is a good start. We would hesitate, however, to have these items titled mitigation unless there is an agreement in place that these things will happen and will mitigate for specific impacts.

Again, thank you for the opportunities you have provided for being involved in this project as it developed, and for your attention to our comments. If you have any questions or concerns regarding these comments, please contact Jody Ostendorf of my staff at 303 312-7814.

Sincerely,



for Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and
Remediation

Attachment: EPA's comments on Public Notice 200275568
cc: Kerrie Neat, CDOT
Monica Pavlik, FHWA